

**4188. Misbranding of "Hot X-Ray Porous Plaster." U. S. v. T. A. Slocum Co. Plea of guilty. Fine, \$75. (F. & D. No. 6372. I. S. No. 10132-e.)**

On June 29, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the T. A. Slocum Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on January 18, 1913, from the State of New York into the State of Michigan, of a quantity of an article called "Hot X-Ray Porous Plaster" which was misbranded. The article was labeled: (On Plaster) "Hot X-Ray Porous Plaster The Best The Master of Aches and Pains Guaranteed by T. A. Slocum Co. under the Food and Drugs Act, June 30, 1906. Guaranty No. 332 (Formula Dr. Slocum) Pain is a symptom, a signal of distress in the soft parts of the body. When it is in the bones or joints it is termed an Ache. In either condition there is always more or less irritation or inflammation, accompanied by a change of temperature in the parts, with swelling and sometimes redness. The swelling causes pressure, the nerves are put upon a stretch and they communicate the signal (pain) to the brain. This is the physiology of pain, briefly stated. Barring out dangerous drugs, to which sufferers are likely to become habituated, the safest and quickest way to overcome and expel pains and aches is to apply a counter-irritant. A counter-irritant is a remedy which, when applied to the surface directly over the affected parts, draws out the pain without injuring the skin or other soft parts. The Hot X-Ray Plaster, made after the formula of Dr. Slocum, is a powerful counter-irritant. It is composed of the most potent drugs, so accurately and scientifically blended together that they do not irritate the most delicate skin; in fact, their application is followed by a feeling of comfort and pleasure. The Hot X-Ray Plaster penetrates the soft parts of the bones with equal facility. The deep-seated pains of Lumbago, Sciatica, Backache, White Swelling, Joint-Sprains, Pleurisy, Intercostal Neuralgia, etc., etc., can not escape its piercing rays. For all forms of Rheumatism—Muscular or Articular—it is a good Specific. It also relieves Neuralgia, Crick in the Neck, Strains, Kidney Pains, Cramps, Sore Throat, Coughs, Hoarseness, Liver and Stomach Pains, Gastritis, Numbness, Chest Pains, Croup and other Aches and Pains. Read carefully the directions on the following pages." The pamphlet or circular accompanying the article contained, among other things, the following statements: "The illustrations here presented show just where the Plasters should be applied for the relief and cure of certain ailments whose presence is indicated by specific aches or pains. Fig. 1.—Lumbago, Backache, Kidney Trouble, &c. For Kidney Troubles, such as Suppression or Retention of Urine, Strangury, Kidney Colic and Pains in the Loins, the Hot X-Ray Plaster should be applied in the position here shown (Fig. 1). Fig. 3.—Chest, Throat and Lungs. In Pains of these parts, such as Coughs, Colds, Bronchitis, Croup, Laryngitis, Sore Throat, Hoarseness, Asthma, Pleurisy and Pneumonia, apply the Hot X-Ray Plaster in the position here indicated (Fig. 3). In Pneumonia, a second Plaster should be applied, as in Fig. 4. Fig. 4.—Pneumonia, Constipation, &c. In Pneumonia, Pleurisy, the deep-seated Cough of Consumption, and Pain under the Shoulder blade, the Hot X-Ray Plaster may be applied as here shown (Fig. 4). Fig. 5.—Heart Palpitation and Intercostal Neuralgia. Apply the Hot X-Ray Plaster as here shown (Fig. 5) for Intercostal Neuralgia, Angina Pectoris and Fluttering, Palpitation or a sense of Smothering in the Heart. Fig. 7.—Dyspepsia, Stomach Pains, Ague Cake, &c. In all forms of Indigestion or Dyspepsia. Flatulence, Heartburn, Gastralgia, Nausea, etc., the Hot X-Ray Plaster should be applied as demonstrated in Fig. 7. When there is enlargement of the Spleen (Ague Cake) as found in Malarial districts, the Plaster should be applied in like man-

ner. Fig. 8.—Locomotor Ataxia and Spinal Aches and Pains. Apply the Hot X-Ray Plaster, cut in strips as here shown (Fig. 8), when there is tenderness or pain along the spine or in the back of the neck. Also in Locomotor Ataxia, which is indicated by spinal weakness and more or less unsteadiness in walking."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be essentially a red rubber base with capsicum as the medicament.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the plaster aforesaid, to wit, "Hot X-Ray Porous Plaster \* \* \* the deep-seated pains of \* \* \* White Swellings \* \* \* Pleurisy \* \* \* can not escape its piercing rays. For all forms of Rheumatism \* \* \* Muscular or Articular \* \* \* it is a good Specific. It also relieves \* \* \* Gastritis \* \* \*," were false and fraudulent in that the same were applied to said article knowingly and in disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for the deep-seated pains of white swellings and pleurisy, and effective as a specific for all forms of rheumatism, muscular or articular, and effective for relieving gastritis; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for deep-seated pains of white swellings or pleurisy, or effective as a specific for all forms of rheumatism, muscular or articular, or effective for relieving gastritis. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article, included in the circular or pamphlet aforesaid, to wit, "The illustrations here presented show just where the Plasters should be applied for the relief and cure of certain ailments whose presence is indicated by specific aches and pains. \* \* \* For Kidney Troubles such as Suppression or Retention of Urine, Strangury, Kidney Colic \* \* \* the Hot X-Ray Plaster should be applied in the position here shown (Fig. 1). \* \* \* Chest, Throat and Lungs. In Pains of these parts such as \* \* \* Croup \* \* \* Asthma, Pleurisy and Pneumonia apply the Hot X-Ray Plaster in the position here indicated (Fig. 3). In Pneumonia, a second plaster should be applied, as in Fig. 4. \* \* \* Pneumonia, Consumption, &c. In Pneumonia, Pleurisy, the deep-seated Cough of Consumption \* \* \* the Hot X-Ray Plaster must be applied as here shown (Fig. 4). \* \* \* Apply the Hot X-Ray Plaster as here shown (Fig. 5). for \* \* \* Angina Pectoris \* \* \*. \* \* \* In all forms of Indigestion or Dyspepsia \* \* \* the Hot X-Ray Plaster should be applied as demonstrated in Fig. 7. When there is enlargement of the Spleen (Ague Cake) as found in Malarial districts, the Plaster should be applied in like manner. Locomotor Ataxia \* \* \* Apply the Hot X-Ray Plaster, cut in strips as here shown (Fig. 8), when there is \* \* \* Locomotor Ataxia, which is indicated by spinal weakness and more or less unsteadiness in walking," were false and fraudulent in that the same were applied to said article knowingly and in disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for the relief and cure of the following diseases: Suppression or retention of urine, strangury, kidney colic, croup, asthma, pleurisy, pneumonia, the deep-seated

cough of consumption, angina pectoris, all forms of indigestion or dyspepsia, enlargement of the spleen, and locomotor ataxia; when, in truth and in fact, the said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the relief or cure of the following diseases: Suppression or retention of urine, strangury, kidney colic, croup, asthma, pleurisy, pneumonia, the deep-seated cough of consumption, angina pectoris, all forms of indigestion or dyspepsia, enlargement of the spleen, or locomotor ataxia.

On July 2, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$75.

CARL VROOMAN, *Acting Secretary of Agriculture.*